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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,895	03/05/2001	Peter William De la Marche	7399-2	7146

7590 06/10/2003

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EXAMINER

THISSELL, JENNIFER I

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,895

Applicant(s)

DE LA MARCHE

Examiner

Jennifer I Thissell

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35,36,48 is/are allowed.
- 6) ☒ Claim(s) 22,24,25,28-31,34,43,44 and 46 is/are rejected.
- 7) ☒ Claim(s) 23,26,27,32,33,45,47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 43 is rejected under 35 U.S.C. 102(b) as being anticipated by Van der Lely et al. ('812). Van der Lely teaches first and second adjacent building modules (14 in Figure 3), each with apertures extending into the structure of the building modules, the aperture is located where the rods 22 extend into the module, there is a first fixing member 22 attached to the first building module (upper) and extending into the aperture and there is a second fixing member 22 attached to the second building member (lower) and extending into its aperture, and there is a flexible resilient insert 20 interconnecting the fixing member and bridging the modules.

Claims 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Sipe ('306). Sipe teaches first and second adjacent building modules (34,35 in Figure 4) that each have apertures 33 that extend into the structure, there is a first fixing member (left side of 30) that extends into the first modules aperture

and a second fixing member (right side of 30) that extends into the first modules aperture, and there is a resilient insert 28 interconnecting the fixing members and bridging the building modules. The insert is received in each aperture.

Claims 22, 24, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Domigan ('194). Domigan teaches a service module (central module) that defines a plurality of connection openings (doors), a plurality of building modules (modules to the side of the central service module) each having a first end with an opening (door), the first end of each module is connected to the service module at a connection opening so that the building module is in communication with the connection opening of the service module, the service module contains apparatus for mains service distribution to the building modules, the modules are free-standing, and being connected to the supply of service, and the service module is in the form of a walkway linking the building modules. The module has floor and ceiling cavities in which the supplies are routed, and the modules are connected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3635

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sipe ('306). Sipe teaches a structure as stated above, but does not specifically state that the fixing members and insert are disposed in a floor or ceiling in the building module. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have elements 34 and 35 make up floor or ceiling rigid panels, since building units of a rigid nature are essential for primary sections of a building such as the floor, ceiling, and walls, as these sections are known to be part of a building.

Claims 25 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domigan ('194). Domigan teaches a system as stated above, but does not state that one module is a dedicated plant room feeding service to the service module, the mains service is for waste disposal and has a holding tank that is connected to a lavatory, the holding tanks are connected by suction waste pipe, the mains service is air conditioning with a heat exchanger and pump, or that each module has its own heat exchanger connected to the pump. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide various types of service to the modules such as air conditioning, waste disposal, and a dedicated plant room,

Art Unit: 3635

as well as the equipment and elements necessary to accompany these types of services, since these are the basic elements that typically make up a self contained building structure. These services and the stated equipment would be provided to allow persons to occupy the building structure and would allow the structure to function without being connected to another separate building structure with these features, which is ideal for a structure that is temporary.

Allowable Subject Matter

Claims 35, 36, and 48 are allowed.

Claims 23, 26, 27, 32, 33, 45, and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach as stated in claim 43, that further includes an access chamber that is open to the inside of the module so as to facilitate insertion of the fixing members and flexible inserts, and that further includes an insert that is a grommet.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Application/Control Number: 09/720,895

Page 7

Art Unit: 3635

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to be 'JIT'.

June 1, 2003

A handwritten signature in black ink, appearing to be 'Carl D. Friedman'.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600